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THE CASE OF MR. CALHOUN.

...the engagement of the bill for the purpose of securing the price of

PUBLIC LANDS.

...I have no desire, Mr. President, to stir up, in the smallest degree, the final action of the Senate on this bill; and in order to avoid unnecessary consumption of time, I intend to say as concisely as possible, my views of the policy to be pursued in reference to the public lands lying within the limits of the new States; and my reasons for voting against the engrossment of this bill.

I shall begin with premising that I am under no conviction, both from observation and reflection, that we have arrived at the period when an entire revolution of our land system, as far as it relates to those States, is unavoidable. They are, in fact, outgrown the system. Since its first application, they have come into existence, have passed through a state of infancy, and have now arrived at manhood. The system which was wise and just at first, is neither wise nor just applied to them in its changed condition.

We have heard much, Mr. President, in the present discussion, about the growth of the new States; and if I may judge from the various measures proposed on the present occasion, we have neither failed to consider, nor the unavoidable changes in the land system which must follow in its train. ...one of those resolutions which are the group of imagination. ...the new States must, in the end, prevail. Their relative increase is far more rapid than the old; so much so, that after 1850—that is, after the third Presidential election from the next—they would be left, as I have shown, in undisputed possession of the field. In the mean time, while the struggle is going on, the animosity would daily increase on both sides. The longer it continued the more bitter it would become, and the more certainly and completely would the present system be overthrown if, indeed, the Union itself should be strong enough to withstand the shock. Such must inevitably be the fate of the present system, should we have the folly, I might say the madness, to attempt to continue it as it is, so far as the new States are concerned, regardless of the great changes which have already taken place, and the still more mighty in progress.

Having now pointed out the danger, I turn next to the deeply important question of remedy, which demands the most prompt and solemn consideration, both of the Government and the community. The question is, what means shall we adopt to avert the mischief which I have shown to be so rapidly approaching, and which must inevitably soon arrive, if not prevented by some speedy and efficient measures? Already one has been proposed, originally brought forward to relieve a distressed Treasury of its burden, but which its author (the Senator from Kentucky, Mr. Clay) has renewed on the present occasion, doubtless with the view, in part, at least, to meet the growing disorders of the system. His proposition is to divide the proceeds of the public lands among the States, with the double view, I suppose, to a more equal participation in the advantages of the public domain by the members of the Union, and to preserve the present system by a more vigilant guardianship of the States. I do not now intend to discuss the merits of this measure. My object is simply to state, in general terms, my opinion in relation to it, without entering into the reasons on which it is grounded.

There appears, then, to me, to be great and decisive objections to this measure. The right to adopt it may, in the first place, be fairly questioned. We hold the public domain as a common property or fund, belonging to the States of the Union in their confederated, and not in their individual character. They were acquired either by purchase, out of common funds belonging to the Union, or by cession from the States to the Union, to be held as a fund in common; and I am at a loss to conceive what right we have to make that which belongs to the whole Union as a common fund, the separate fund of each State. It seems to me that it cannot be done without a manifest breach of trust and a violation of the Constitution. This is no new opinion, formed for the occasion. It was, on the contrary, formed when its author first introduced the measure, and when he and myself thought alike as to the necessity of relieving the Treasury of its surplus, in order to avoid the difficulties and dangers which have since followed. Believing, then, that it would be effectual for that purpose, and more easily adopted than any other, I examined it with an inclination to embrace it as a temporary measure of relief against a pressing evil; but it was impossible for me to bring my mind to assent to the right of adopting it.

But suppose this difficulty surmounted, there are others, which I regard as insurmountable. Among them the fiscal objection is very formidable. The revenue from the lands cannot be spared at present, and if distributed, as proposed by the measure, would necessarily throw the whole expenses of the Government on a single source—the duties on imports—and which must be followed by their increase. This would neither be fair, nor equal; and to which I, representing in part, a portion of the Union, on which the increased burden would mainly fall, cannot assent.

But as formidable as is this, there are others far more so. It would not meet, or avert the approaching danger. It would still leave the public lands in the new States, under the operation of the present system, and the subject of violent conflict between them and the old States, with all the calamitous consequences to which I have adverted. Instead of preventing the danger, it would, in fact, hasten and aggravate it. It may be laid down as a maxim, that no measure can avert it, which is not adopted with the approbation and consent of the new States; for the simple reason, that they must soon become the predominant power; when that which was established against their consent would be certainly overthrown. Such would be the case with the measure under consideration. If adopted, it must not only be without the consent of those States, but with their strenuous opposition, of which we have had the most conclusive evidence on the present occasion. When moved by its author, as an amendment to this bill, it was violently opposed at the threshold from that quarter, and received but a single vote from the new States. It is not necessary to inquire whether this opposition on their part is reasonable, or not; whether it is

Now, with these unquestionable results before us, I ask, not whether it would be wise to continue the old system; no, sir! a far bolder question, *will it be practicable?* And if not practicable, *will it be wise to struggle to continue it, till overthrown by the force of unavoidable and irresistible causes?* I ask, what would be the effects of such a struggle? Would it not be to excite, in the first instance, animosity and discord between the old and new States, and, in the end, to overthrow the entire land system, with the certain loss, ultimately, of the public domain? I shall not, on this occasion, attempt a formal discussion of these points. I propose in order to illustrate, simply to show how vain and dangerous would be the attempt to hold on to the present system, under these great and growing changes, by tracing its operation under a single aspect, its bearing on the Presidential question.

To have a clear conception of this, we must bear in mind, that after the next census the new States will have five-twelfths of the electoral college; and, of course, compared to either of the other sections, a controlling voice in the election of a President. He who keeps this in mind, and

the result of mere prejudice, or of deliberate conviction that it is in hostile to their interests. The fact itself, that there is an almost universal and determined resistance to the measure on their part, right or wrong, is, of itself, sufficient proof that it cannot be relied on to avert the threatened danger. On the contrary, its necessary effect must be to accelerate and aggravate it. Its adoption would, at once, bring the old and new States into violent conflict, in which the former would be arrayed, almost to a man, in determined effort to overthrow the arrangement, or some more hostile measure. Add to this that the Presidential contest would not fail to run into the controversy, and thus redouble the excitement and animosity, with all the fatal consequence which I have shown must follow from blending the two.

Assuming, then, that the scheme is both objectionable and inefficient, the question again occurs what ought to be done? My mind is made up after the most serious and deliberate reflection, that there is, and can be, but one remedy, to wit—that it is not the proper, the constitutional way—to dispose of the public lands to the States within the limits of which they respectively lie, on such terms and under such conditions as shall, at the same time, be just and liberal to the new States, and safe to the old. We must, in a word, part with the ownership and administration of the lands lying within the States, leaving those in the Territories, and beyond, under the operation of the present system. The evil lies in ownership and administration, and without parting with them no permanent or effectual remedy can be applied.

But what shall be the terms—what portion of the proceeds of the sales of those lands shall be left to the States, to remunerate them for the expense, trouble, and responsibility of their administration, and what portion shall be paid over to the Government annually as a compensation for the land? I am not prepared to answer this question. Its decision must depend on a careful and minute examination of all the facts and circumstances of the case. But I am decidedly of the opinion that the portion to be left to the new States ought not only to be ample to cover the trouble, expense, and responsibility of management, but very considerably beyond, so as to unite their interests with ours, in order to give stability to the arrangement and insure care and fidelity in the management. Resting my estimate of the compensation on these principles, I have supposed that the new States might pay over annually one half of the gross proceeds of sales to the Government, and have an ample sum left for their compensation. But this is a mere estimate, without sufficient data, and is, of course, liable to be increased or diminished after a careful calculation founded on facts.

With these suggestions as to the terms, I next proceed to the conditions on which the lands ought to be disposed of. I propose to suggest only the most prominent, without pretending to a full enumeration.

In order to give stability to the arrangement, it will be indispensable that the whole transaction should assume the form of a compact; and for this purpose, that Congress should pass an act containing the terms and conditions of the transfer; and that each of the new States should pass one, on their part, to be irrevocable, assenting to the same, before it is made. The act of Congress should, of course, determine what part of the proceeds is to be paid annually to the Government, and the time and manner of payment; and also to provide for keeping regular books of accounts, to be open to the inspection of the Government, so that the exact state of the account between it and the States, may, at all times, be ascertained by the former.

The act of Congress should also contain all the prospective provisions which may become necessary in the future administration of the lands under the arrangement; and should then provide that the land laws, as modified by the act, and as far as they are applicable to the new state of things, shall remain unchanged, without the consent of Congress. A provision of this kind would be not less essential to the States, than to the Government. Without it there could be no stability or uniformity. Without it the States would, in a short time, enter into a competition to turn the current of emigration, each towards itself, which would commence by a reduction of price, and end by a loss of the lands. But with the provision proposed, the system would retain its uniformity, and become more stable than at present.

To enforce the faithful execution of the compact the act should also contain a provision that, in the event of the violation of the conditions of cession, all grants thereafter made by the State should be null and void. This would place the compact under the protection of the courts of the Union, and make it the interest of the State and its citizens to observe it. In this connection, the liberal allowance proposed to be made to the States, in order to unite their interests with ours, would be important. The revenue which they would derive from the land would be applied to roads, canals, or other improvements, that would create a powerful interest in favor of the arrangement; which, with the conditions proposed, and their sense of justice, would ensure, I trust, on their part, a faithful execution of the compact.

Such, as it appears to me, should be the leading conditions; but, doubtless, there are many others which would be suggested by a full and careful examination of the subject.

This, Mr. President, is the general outline of the measure which I propose as a remedy; and which brings up the important question, would it accomplish the object intended; that is, would it arrest the growing conflict between the new and the old States? Would it prevent the public domain from being converted into a fund to make Presidents, and to be squandered away in the struggle? And, finally, would it substantially, and more effectually than any other measure, secure to the Union the benefit of the public lands lying within the new States. It is the conviction that it is better calculated to secure these important results, than any other measure that can be devised, which has induced me to present it for consideration; and it is on that issue, exclusively, I intend to rest its fate. All I ask is a calm and impartial investigation, confidently believing it will bear the test, and willing to abide the result. Without attempting to enter on such an investigation now—for which I have not the necessary information, and, if I had, it would not suit the occasion—I propose to limit myself to a few very brief remarks in support of my conviction.

That a measure, such as I have suggested, if it should be adopted with the hearty consent of the new States, would arrest the growing conflict between them and the old, and take the public lands out of the vortex of the Presidential contest, must be obvious on a little reflection. It would remove the cause of conflict, the only effectual mode of preventing the threatened danger. Transfer the lands, and the administration of them, on just and liberal terms, to the States, and close our land offices within their limits, and you will, at once, place the States beyond the reach of the action of the Government, and influence of Executive control, and would thereby leave both the new and old, as far as the land question is concerned, free from all im-

proper time in the history of the Union. The only point of conflict that could possibly remain between them in reference to the lands, would be as to the conditions of the cession; but it may be easily shown, that if the terms should be liberal and satisfactory, is the first instance, to the new States, as I have proposed, that they would neither have the disposition nor the interest to disturb the compact; or if they should, the hazard of losing the lands in consequence would be far less than it would be should the present system be continued. But there may be some who may admit this to be true, and yet object that the advantages which I anticipate from the measure would be purchased, on the part of the old States, at too great a sacrifice. It would be premature to undertake to answer this objection before it is ascertained what portion of the proceeds should be left to the States, and what paid over to the Government; and this cannot be done till after a laborious investigation, as has been stated. All I maintain at present is, that the portion allotted to the States should be not only just and liberal, but such as would interest them in preserving the arrangement. Thus far it would be obviously the interest of both parties, as has been shown. In the meantime, I have suggested an equal division of the proceeds, under the belief that it would be satisfactory to the new States, and probably not far from the division which a rigid investigation would establish.

But of one thing I feel assured, that, when the subject is fully examined, it will be ascertained that an apportionment of the proceeds may be fixed on which will give to the Government a sum per acre as large, or not much less, on all the lands which might thereafter be disposed of, as it has received for what has been disposed of since the present price was fixed; and which would leave, at the same time, to the States a liberal and satisfactory allowance. If this should prove to be the fact, the interest of all parties, even in a pecuniary point of view, would be reconciled. But that would be taking too narrow a view of this important subject. To determine correctly the true interests of the parties in this arrangement, we must raise our eyes above pecuniary considerations, to the far more interesting view—the political bearing of the measure. Thus viewed, the gain to both, and to the whole Union, would be incalculable. The new States would gain the ownership and administration of their whole domain—a gain not more essential to their own independence than to the convenience of their citizens, who would thereby have their claims, connected with the public lands, adjusted by their own Legislature, instead of being dragged to a great distance from home to await the tardy and uncertain action of Congress. But their greatest gain would be, that they would be elevated to an equality with the other States in all respects, and exempted from the controlling influence of the Government arising from a widely expanded system of land offices.

To the Union the gain would be not less important. Congress would be relieved from an immense and increasing mass of business, which now consumes at least one-third of its time, and be left free to turn its attention to other subjects of deep interest, which it is now compelled to neglect. The sessions would be greatly shortened—a matter of importance, not only in a pecuniary, but still more in a political point of view. But these, though important, are but minor advantages. There are others immeasurably greater. It would close our land offices in the new States, and, with them, the door to the vast patronage and influence which they place in the hands of the Executive. Who can estimate this advantage? Who is there, that has a particle of patriotism or love of Republican institutions, who would rejoice at the reduction of such immense patronage, made not only without injury, but with advantage, to the public? When we add to this that it would remove all causes of conflict between the old and new States; that it would withdraw from the Presidential contest the public lands, that prolific source of corruption in the hands of the profligate; and, finally, that it would save our vast and noble domain itself from being squandered in the struggle, it is hardly in the power of calculation to estimate the advantages that would result.

Having now suggested what I believe to be the proper policy to be pursued in relation to the public lands within the new States, and having traced the advantages of the measure I have suggested for consideration, the next question is, have we the right to dispose of the lands in the manner proposed? I would not have supposed that there could have been a doubt on this point, had not the Senator from Massachusetts [Mr. Webster] raised it on this, as well as on a former occasion. The Constitution gives to Congress, expressly, the right to dispose of the public lands; and why may they not dispose of them to the States as well as to individuals? I can see no reason, and never have heard one assigned. We are in the daily habit of making grants to the States for public purposes; and if we may grant, may we not also sell or dispose of them, as I have proposed? The lands belong to the States, in their confederate character, as has been stated; and Congress is the trustee to dispose of them for the common benefit. They are bound, in the fulfillment of the trust, to dispose of them to the best advantage; and if the disposition proposed be the best for all concerned, Congress has not only the right to make it, but would be bound by the trust so to do.

Entertaining these views, it may be asked why I have not brought forward the measure this session? My answer is, there is not time, at the present short session, to digest and carry through a measure of so much importance, and involving so many and such conflicting interests. But I pledge myself, if present at the next session, to introduce it at an early day, and to use my best efforts to press it to a decision. If I can prevent it, no other measure relating to the public lands shall take precedence of it.

I have now presented my views as to the policy which ought to be adopted in reference to the public lands within the new States; and it now remains, in conclusion, to assign my reason for voting against the engrossment of this bill.

Believing that nothing short of a radical change of policy, such as that proposed, can arrest the evils apprehended from the present system, I am of the opinion, that till some permanent remedy can be applied, that the proper course is to vote against all partial and temporary expedients like the present; and I shall, in conformity to that opinion, give my vote against this bill. I believe it to be the course, not only the best calculated to insure, in the end, the application of a permanent and efficient remedy, but also to prevent, in the immediate period, the mischiefs naturally resulting from the present system. But in addition to these general reasons, there are others against this particular measure, sufficient to induce me to vote against it. Passing others by, I shall only notice one.

This bill is presented on the ground, among other reasons, that it is a financial measure. It is stated that the Treasury is deficit, and that one of the effects of the reduction of the price of the public lands would be a present increase of the revenue from that source. I am not prepared

to say whether it is in hostile to their interests. The fact itself, that there is an almost universal and determined resistance to the measure on their part, right or wrong, is, of itself, sufficient proof that it cannot be relied on to avert the threatened danger. On the contrary, its necessary effect must be to accelerate and aggravate it. Its adoption would, at once, bring the old and new States into violent conflict, in which the former would be arrayed, almost to a man, in determined effort to overthrow the arrangement, or some more hostile measure. Add to this that the Presidential contest would not fail to run into the controversy, and thus redouble the excitement and animosity, with all the fatal consequence which I have shown must follow from blending the two.

Assuming, then, that the scheme is both objectionable and inefficient, the question again occurs what ought to be done? My mind is made up after the most serious and deliberate reflection, that there is, and can be, but one remedy, to wit—that it is not the proper, the constitutional way—to dispose of the public lands to the States within the limits of which they respectively lie, on such terms and under such conditions as shall, at the same time, be just and liberal to the new States, and safe to the old. We must, in a word, part with the ownership and administration of the lands lying within the States, leaving those in the Territories, and beyond, under the operation of the present system. The evil lies in ownership and administration, and without parting with them no permanent or effectual remedy can be applied.

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In order to give stability to the arrangement, it will be indispensable that the whole transaction should assume the form of a compact; and for this purpose, that Congress should pass an act containing the terms and conditions of the transfer; and that each of the new States should pass one, on their part, to be irrevocable, assenting to the same, before it is made. The act of Congress should, of course, determine what part of the proceeds is to be paid annually to the Government, and the time and manner of payment; and also to provide for keeping regular books of accounts, to be open to the inspection of the Government, so that the exact state of the account between it and the States, may, at all times, be ascertained by the former.

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To enforce the faithful execution of the compact the act should also contain a provision that, in the event of the violation of the conditions of cession, all grants thereafter made by the State should be null and void. This would place the compact under the protection of the courts of the Union, and make it the interest of the State and its citizens to observe it. In this connection, the liberal allowance proposed to be made to the States, in order to unite their interests with ours, would be important. The revenue which they would derive from the land would be applied to roads, canals, or other improvements, that would create a powerful interest in favor of the arrangement; which, with the conditions proposed, and their sense of justice, would ensure, I trust, on their part, a faithful execution of the compact.

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MISCELLANEOUS INTELLIGENCE.

Love, jealousy, attempted Murder, and Suicide.—The Coroner yesterday held an inquest at the residence of Bernard's, No. 331 Fulton street, on the body of Pietro de Paolo Qualmouss, a native of Sicily, aged about 30 years, who committed suicide by shooting himself through the head with a pistol. It appeared that the deceased, who resided there for a long time, became enamored of a young German girl who came there, named Josephine Jermann, but his passion was not reciprocated—and he was moreover extremely jealous of a barber named John J. Crotty, who resided at the Astor House, and this drove him nearly to desperation. About a fortnight ago, while conversing with a friend, he spoke of the girl in the warmest terms, and said he wished to marry her, but she had refused to have him, and he intended to slay her and then himself. His friend advised him of the folly of such a proceeding, and so far as his feelings as to induce him to leave the house for a time. Absence, however, only served to increase his passion, and he soon returned, and again renewed his suit upon the girl, and was again rejected. Yesterday morning about nine o'clock, he went to her room, and after again pleading his cause, he drew two pistols from his pocket. One was discharged at her, the ball lodging in her right arm and causing a wound from which it is feared medical skill cannot save her, and the other he discharged at his own head. The report of the pistol and the cries of the unfortunate girl brought some of the inmates of the house to the door, where he was found lying across the girl's bed both of them completely deluged in blood, and she bespattered with his brains. He was alive, but speechless, and in a few minutes expired. Medical assistance was promptly called to the aid of the hapless girl, but the efforts of the physicians to extract the ball, have thus far proved ineffectual, and it is more than probable that she cannot survive. In the case of the young man, who committed these dreadful deeds, the jury returned a verdict of suicide, by shooting himself through the head with a pistol.

The Lightning Telegraph.—An association has been started in New York and Philadelphia to establish a line of the Electro Magnetic Telegraph, invented by Professor Morse, between those cities. The distance the wire is to be laid is 11 miles. The Association are to pay Professor Morse \$200 per mile, or \$20,000 for the exclusive right between the two cities, which is to be surrendered to the United States, if during the present session Congress shall assume the exclusive right of establishing the Telegraph from Washington to New York. The expense of laying the wire is estimated at \$520 per mile, amounting to \$5,720, which with the purchase of the right, will make the whole cost \$72,000; keeping the Telegraph in operation, which will require two managers at \$1,000 each, and contingencies is put down at \$10,000 per annum.

Professor Morse estimates the power of the Telegraph equal to communicating 45 letters per minute, or \$2,400 per day, which, at one cent a letter for postage, would yield \$138,000 per annum, deducting one half the year, or \$69,000, if but one-fourth the capacity is employed. The average number of letters in the ordinary words of the English language, is seven. Thus a telegraphic communication of ten words would cost seventy cents. A capital of \$72,000 is to be raised in shares of \$100—the work to be commenced next July, and completed by December, 1839. The route need not be straight or level, and the wire may follow the course of a Rail Road, or diverge without affecting the communication.

The plan is to communicate electric shocks in other words, to set lightning to run an express along the wires which are to be so contrived as that the instant the shock is given at one end, the wires will indicate on a cord at the other end; the letters corresponding to the desired intelligence. The application of the electric fluid to such a purpose is a highly scientific invention, and it may be destined to work great changes in the despatch of intelligence. Of course, it must be very much used, as the go ahead propensities of this age are already weary of the slow progress of locomotion, at only twenty miles or thirty miles an hour, and the difficulty will be preserving the line of electric communication along the wires. We opine that after all the Semaphoric Telegraphic despatches, brought to such perfection by our worthy townsman, Capt. Parker, will be found much more practicable and efficient, than riding post on a streak of lightning.—*Boston Post.*

The present session of Congress is likely to prove remarkable only for the small amount of business transacted. The House of Representatives it is said, has passed yet but one appropriation bill, and that is for their own pay. The message of the President which is generally referred to the several committees soon after it is received, was under consideration as to reference, on the 25th of January! On the third of March they must adjourn, and if such matters only as are really important had engrossed their attention, we do not know that the limited number of acts passed would be objectionable. Too much legislation is one of the evils of our country. But the time is taken up in much unprofitable discussion, and it seems that members are frequently absent on other business while receiving their daily pay, and have even the assurance to expect that business before the House shall be delayed for their convenience. Referring

It is a common mistake to think that the only way to avoid the problems of the past is to start with a clean slate. But the reality is that the only way to avoid the problems of the past is to start with a clean slate.

OLD CASTINGS WANTED.
WE will purchase, any amount of old Castings that may be brought to us; such as old cotton screws, old mill-bearing, old poles, ovens, mortars, &c., and will pay one cent per pound.
CRENS & DOGEL
 Salisbury, Sept. 6, 1838.

To the Citizens of Salisbury.
THIS undersigned having determined to open a School for boys in this place on the 1st of March next, solicits the patronage of the Parents and the Citizens.

[illegible]